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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,385	05/15/2001	Jheroen P. Dorenbosch	PF02177NA	8937

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MOTOROLA INC.  
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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2683

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DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/855,385

Applicant(s)  
Dronbosh et al.

Examiner  
Naghmeh Mehrpour

Art Unit  
2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-7** are rejected under 35 U.S.C. 102(e) as being anticipated by Aravamudan et al. (US Patent Number 6,301,609 B1).

Regarding **claims 1-2**, Aravamudan teaches a method of emerging Instant Messaging (col 2 lines 60-63), comprising:

causing a mobile subscriber to register with an instant message system prior to participating in an instant message session (col 5 lines 5-9),

indicating availability of the mobile subscriber to buddies of the mobile subscriber (col 7 lines 1-8),

receiving an instant message intended for the mobile subscriber from one of the buddies (col 5 lines 25-31), and

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dropping the instant message intended for the mobile subscriber from the one of the buddies if the mobile subscriber does not receive the instant message after the instant message is resent a predetermined number of times (col 7 lines 63-67).

Regarding **claim 3**, a mobile subscriber instant message system, comprising;

an instant proxy for receiving registration information from a mobile subscriber and for subsequently indicating to registered system subscribers participating in an instant message session that the mobile subscriber is available for receiving instant messages (col 2 lines 31-38),

the instant Messaging proxy further for resenting an instant message intended for the mobile subscriber and not received by the mobile subscriber compensate for mobile network latencies. Aravamudan allows for a high degree of control to be retained by the user, through the user of instant Messaging, to direct delivery of data and communications (col 9 lines 34-45). For example upon notification of a pending event of received data or communications by the communication service platform, the user may select to reject communication or to have data forwarded to Messaging system or elect to conference parties or to make new calls or set it up that buddy to send another message (col 11 lines 35-45). Therefore, it is a design choice for the user to program his mobile phone if a buddy send a message and not received any response from the mobile, ask the buddy to resend a second message, and

the instant message proxy further for dropping the instant message if the mobile subscriber does not receive the instant message after the instant message is resent a predetermined number of times (col 7 lines 63-67).

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Regarding **claims 4-5**, Aravamudan teaches a mobile subscriber instant message system wherein the instant message proxy is located an instant message server (See figure 1, numerals 120, 130), and the instant message proxy is located in proximity a mobile system gateway (See figure 1, numerals 130, 126).

Regarding **claim 7**, Aravamudan teaches a mobile subscriber instant message system further comprising a log in server with which the mobile subscriber must register prior to participating in an instant message session, the log in server for indicating to the registered system subscribers participating in the instant message session that the mobile subscriber is available for receiving instant messages (col 7 lines 33-37, col 8 lines 63-56).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 6**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al. (US Patent Number 6,301,609 B1) in view of Drott et al. (US Patent Number 6,333,929 B1).

Regarding **claim 6**, Aravamudan teaches a mobile subscriber instant message system wherein the instant message proxy (col 2 lines 32-38, col 7 lines 41-49). Aravamudan fails to teach that Proxy includes at least one of a timer and a counter programmed to limit the instant message from being sent to the mobile subscriber for at least one of only the predetermined number of

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times and within a predetermined time period. However Drottat teaches a timer and a counter programmed to limit the message from being sent to remote device for the predetermined number of times and within a predetermined time period(col 9 lines 40-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Drottat method with Aravamudan, in order to enhance the system performance by providing more accuracy.

5. **Claims 8-16, 18-20**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al. (US Patent Number 6,301,609 B1) in view of Mawhinney (US Patent Number 6,091,710).

Regarding **claims 8-9, 17, 19-20**, Aravamudan teaches a method of a service providers client access to one or more plurality of client premises equipments (CPE) 140, the CPE can be a wireless phone, and service provider can be PSTN. Communications and data can be exchange between the CPE and PSTN via switch module 124 or routing module 122 (see figure 1). An Instant Messaging system is utilized to provide new and useful features and services for clients (col 4 lines 54-64). A communication service platform (CSP) is registered with the IM server as a 'buddy' to the subscriber client. The location of subscribers CPE is located by the CPS 160, the CPS initiates communications to the subscribing client via instant messages, and the CPS solicits a response from the subscribers CPE (col 5 line 15-31). The method comprising: notifying the mobile subscriber when instant message parameters reach a predetermined limit (col 10 lines 23-31). When the subscribers are off line, all others (buddies) who have identified the user as a

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buddy are notified that the user is not online and is not available (col 10 lines 11-15).

Aravamudan fails to teach that queuing instant messages intended for the mobile subscriber while the mobile subscriber is not registered with the instant message system, and facilitating connection of the mobile subscriber to the instant message system to enable the mobile subscriber to retrieve the queued instant messages. However Mawhinney teaches a method of reducing data queuing instant messages intended for data packets that are transmitted in accordance with Internet protocol. TCP is utilized at the transport layer to provide flow control utilizing message acknowledgments (col 8 lines 19-20). Three nodes are illustrated in Figure 4, an upstream node 160 (Mobile unit), and intermediate node, which also provide queuing function, or a down stream node 162, and a destination node end-point 164 (Instant Messaging) (col 9 lines 30-35). The intermediate node 162 (queuing function) is capable of identifying acknowledgments from the end point 164 (Instant Messaging) by the information contained in the TCP header. In figure 5, shows five messages have been transmitted by the upstream node (Mobile Unit) without receiving acknowledgments from queuing. The upstream 160 (Mobile unit) waits to receive acknowledgments, thereafter transmits messages on a one-to-one basis. Once limit of queuing is reached maximum, then Mobile would not transmit further message until another message ( acknowledgments) is received. Another word the intermediate node (Mobile Unit) starts transmitting messages to IM service when the queuing is reached to Maximum number. For example upon max transmission of seven ( $n=5$ ), having received only four acknowledgments, the upstream nodes (Mobile units) waits receipt of the fifth

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acknowledgment (col 10 lines 32-65). Then when the maximized Queuing is reached, Mobile starts establishing connection between mobile subscriber and instant message service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Mawhinney method with Aravamudan, in order to establish connection between Mobile unit and Instant Messaging service while avoiding excess queuing message for IM.

Regarding **claims 10-12, 14-15**, Aravamudan does not specifically mention that notifying the mobile subscriber when queued instant message parameters reach a predetermined limit comprises notifying the mobile subscriber when a predetermined number of buddies send messages intended for the mobile subscriber within a predetermined amount of time. However Mawhinney teaches the notifying the mobile subscriber when queued instant message parameters reach a predetermined limit comprises notifying the mobile subscriber when a predetermined number of buddies send messages intended for the mobile subscriber within a predetermined amount of time (col 10 lines 42-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Mawhinney teaching to Aravamudan, in order to improve the performance by better bandwidth utilization.

Regarding **claim 13**, Aravamudan does not teach a method wherein notifying the mobile subscriber when queued instant message parameters reach a predetermined limit comprises notifying the mobile subscriber when a buddy sends a second message intended for the mobile subscriber subsequent to sending a first unanswered message (col 11 lines 35-45). Aravamudan



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allows for a high degree of control to be retained by the user, through the user of instant Messaging, to direct delivery of data and communications. For example upon notification of a pending event of received data or communications by the communication service platform, the user may select to reject communication or to have data forwarded to Messaging system or elect to conference parties or to make new calls or set it up that buddy to send another message (col 9 lines 35-44, col 11 lines 35-45). However is a design choice for the user to program his mobile phone if a buddy send a message and not received any response from the mobile, ask the buddy to resend a second message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Mawhinney teaching to Aravamudan, in order to provide move accurate system by resenting the second messages, when there is not response.

Regarding **claim 16**, Aravamudan inherently teaches a method wherein the predetermined limit in the notifying the mobile subscriber when instant message parameters reach a predetermined limit is based at least in part on mobile subscriber-based instructions (col 7 lines 35-44, col 9 lines 1-5).

Regarding **claim 18**, Aravamudan fails to teach a method further comprising downloading the queued instant messages intended for the mobile subscriber when one of a high priority instant message is received and the mobile subscriber sends an outgoing message. However Mawhinney teaches a method comprising: downloading the queued instant messages intended for the mobile subscriber when one of a high priority instant message is received and the mobile subscriber sends an outgoing message (col 2 lines 25-36, col 10 lines 42-65). Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of the invention to use Mawhinney teaching to Aravamudan, in order to achieve better bandwidth utilization, and provide better feasibility for the system.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Richardson** (US Patent 5,459,458) disclose virtual pager for general purpose

**Wroblewski** (US Patent 2003/0003964 A1) disclose method and apparatus for selectively admitting messages to a mobile station

**Chang et al.** (US Patent Number 2002/0102967 A1) disclose on demand multicast Messaging

**Rezvani et al.** (US Patent Number 2002/0077077 A1 ) disclose method and system for communicating with a wireless device

**Clark** (US Patent Number 5,960,074) disclose mobile tele-computer network for motion picture television and TV advertising production

**Donovan et al.** (US Patent Number 5,903,726) disclose system using portion of a short message payload to identify short message payload to identify short message service types and delivering the message if user subscribers to the services

**Richardson et al.** (US Patent Number 5,459,458) disclose virtual pager for general purpose data terminal

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**Gallant et al.** (US Patent Number 5,802,466) disclose personal communication device voice mail notification apparatus and method

**Robinson et al.** (US Patent Number 2002/0155826 A1) disclose facilitating instant Messaging outside of user-denied Buddy group in a warless and non-wireless environment

**7. Any responses to this action should be mailed to:**

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(703) 872-9314, (for formal communications indented for entry)

**Or:**

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

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If attempt to reach the examiner are unsuccessful the examiner's supervisor, Bill Trost  
can be reached (703)308-5318.

NM

April 15, 2003



**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**